

September 2002

I. INTRODUCTION

This document constitutes the Record of Decision of the Department of the Interior, Bureau of Reclamation (Reclamation), Mid-Pacific Region, regarding the preferred alternative for the American River Pump Station Project (Project) located on the North Fork American River east of the City of Auburn, California. The Project is the subject of the Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR), American River Pump Station Project, dated July 2002, developed in compliance with the National Environmental Policy Act (NEPA), and the California Environmental Quality Act (CEQA).

The FEIS/EIR was prepared jointly by Reclamation and the Placer County Water Agency (PCWA). The Project consists of: (1) construction and operation of a year-round pumping facility for PCWA that would divert water from the North Fork American River in the vicinity of the Auburn Dam construction site; (2) closure of the Auburn Dam bypass tunnel; and (3) restoration of the three-quarter mile reach of the river that was dewatered and otherwise impacted by activities associated with Auburn Dam construction and associated access features for the safety of the using public. The EIS/EIR addresses the direct and indirect impacts of three alternatives as well as cumulative impacts associated with increased use of water from the American River, and regional service area impacts.

The purpose of the Project is threefold: (1) to provide facilities to allow PCWA to convey its Middle Fork Project (MFP) water entitlement to the Auburn Ravine Tunnel to meet demands within its service area; (2) to eliminate the safety issue associated with the Auburn Dam bypass tunnel; and (3) to allow for all pre-construction beneficial uses of water in what is now the dewatered river channel, including recreation, navigation, and other instream beneficial uses.

Prior to the onset of construction, Reclamation and PCWA would approve and execute Contract No. 02-LC-20-7790, entitled “Contract Between the United States and Placer County Water Agency Related to American River Pumping Plant and Associated Facilities” (Contract). Reclamation would construct the Project facilities, and pursuant to the Contract, transfer the ownership of the pump station and appurtenances to PCWA for operation and maintenance. Under the Contract, design of the Project facilities must be approved by PCWA.

Decisions and actions related to closure of the Auburn Dam bypass tunnel, restoration of the historic American River channel and any related recreation management actions would be undertaken by Reclamation and by California Department of Parks and Recreation (CDPR), which manages the lands under a cooperative agreement with Reclamation, as part of the Auburn State Recreation Area.

On July 11, 2002, the PCWA Board of Directors certified the Final EIR pursuant to CEQA, adopted various findings required by CEQA, approved the Contract, and approved Design Specifications for the pumping facility. On July 12, 2002, PCWA then

filed a notice of determination pursuant to CEQA. On August 1, 2002, PCWA rescinded its approvals of the Contract and Design Specifications, took new public testimony, and ultimately adopted new findings and re-approved the Contract and Design Specifications. A new NOD was filed on August 2, 2002.

II. DECISION

The decision is to implement the Proposed Project, identified and discussed in the FEIS/EIR as the Mid-Channel Diversion Alternative.

III. BACKGROUND

In 1965, Congress authorized the construction of Auburn Dam on the North Fork American River near the City of Auburn. Construction began in 1967 and included a cofferdam, a tunnel through a ridge to bypass the river around the construction area (referred to as the bypass tunnel), excavation for the Auburn Dam foundation, and removal of a permanent pump station owned by PCWA. Although The Auburn Dam continues to be a Congressionally authorized construction project, construction has been suspended.

Prior to the initiation of construction of Auburn Dam, PCWA built a 50 cubic feet per second (cfs) pump station on the North Fork American River to convey PCWA water supplies from its MFP to the Auburn Ravine Tunnel for delivery to its service area. However, before PCWA's operations began, the pump station was removed by Reclamation to facilitate construction of Auburn Dam. Pursuant to a Land Purchase Agreement with PCWA described below, Reclamation has since installed a seasonal pump station annually as needed by PCWA to meet water supply demands.

In 1972, PCWA entered into a Land Purchase Agreement with Reclamation under the threat of condemnation. As part of the Land Purchase Agreement, PCWA's 50 cfs pump station was removed to facilitate construction of Auburn Dam subject to Reclamation's provision of an interim pumping facility or alternative water supply until Auburn Dam was completed. As the Auburn Dam Project was designed at that time, water from the reservoir was to flow by gravity into the Auburn Ravine Tunnel to provide PCWA its water entitlements, thereby eliminating the need for a pump station. The Land Purchase Agreement obligated Reclamation to deliver up to 25,000 acre-feet annually (AFA) at a rate of up to 50 cfs.

Pursuant to the Land Purchase Agreement, Reclamation has delivered water through the installation and removal of a seasonal pump station on an as-needed basis. The first time PCWA required access to its MFP water rights to meet system demands was during the drought of 1977. In response to PCWA's request for water under the Land Purchase Agreement, Reclamation constructed a pump station capable of delivering approximately 50 cfs using pumps salvaged from PCWA's original pump station.

Beginning in 1990, PCWA has required access to its MFP water annually to meet its system demands under a variety of operating conditions. Reclamation has responded with

the seasonal re-installation and removal of PCWA's original pumps at the same location as the 1977 installation. Due to the location of the installation, the pumps have to be removed before winter each year to prevent damage due to inundation from high river flows.

The seasonal pumps do not fully meet PCWA's water supply requirements, are not reliable, and have become increasingly expensive to install and maintain. Reclamation can deliver the MFP water supply to PCWA only from approximately April to November. Late-fall, winter, and spring MFP water supplies are not accessible due to the potential for high river flows that can inundate the seasonal pump station. Further, because of limitations on the pumping capacity of the existing facilities (50 cfs) and the timing of seasonal diversions as compared to the pattern of demands, the maximum annual diversion for the seasonal pump station is approximately 19,300 acre-feet (AF). The seasonal pump station no longer permits Reclamation to provide PCWA with a reliable water supply when and where required to meet PCWA's system demands in accordance with the Land Purchase Agreement.

The annual installation and removal of the seasonal pump station has become increasingly expensive for Reclamation. In recent years, the minimum cost for annual installation and removal has been approximately \$250,000. The record high flows of the American River during January 1997 destroyed both the access road to the seasonal pump station and the pipeline connecting the pumps to the Auburn Ravine Tunnel. Reinstallation of the seasonal pump station in the summer of 1997 required new foundation work for the access roads and the pipeline, costing Reclamation nearly \$1 million.

Auburn Dam remains an authorized federal project. In 1992 and 1996, there were unsuccessful Congressional initiatives to modify and restart the Auburn Dam Project. Since the decision to enter into no new construction contracts was reached in 1977, Reclamation has been managing the Auburn Dam site on an interim basis. Existing site conditions present Reclamation with several resource management issues and opportunities, including public safety, access, and recreation management. In 1994, Reclamation undertook a study to address these issues, together with the installation of a year-round pump station for PCWA. In 1996, the results were published in a report entitled *Preliminary Concept Plan, Restoration and Management of the Auburn Dam Site* (Concept Plan).

Reclamation's Concept Plan identified several interests and options related to improving public safety, access, and recreation at the Auburn Dam construction site. The options identified included closure of the bypass tunnel, restoration of the river through the dewatered channel, and recreational access at the site. Upon completion of the 1996 Concept Plan, Reclamation initiated a concerted engineering and environmental planning effort to implement the findings of the report.

Early in the planning effort, members of the public and certain interest groups supported inclusion of the 1996 Concept Plan site restoration and river bypass tunnel closure measures. In late 1997, Reclamation (1997) undertook a Value Planning Study to further evaluate the options for a year-round pump station, restoration of the Auburn Dam

construction site, and tunnel safety consistent with the 1996 Concept Report. However, following publication of the results of the 1997 study, it appeared that critical Congressional support for the project would not be forthcoming if the project included blocking the bypass tunnel or restoring the river channel. Therefore, during 1998 and into 1999, Reclamation and PCWA concentrated on designing a pump station that would not require the bypass tunnel to be closed or the channel restored.

In September 1999, the State of California's Attorney General sent the Secretary of the Interior a letter indicating legal obligations by the United States to close the diversion tunnel and restore the American River to its natural channel. In March 2000, Reclamation replied that it was ready to address the issues of tunnel closure and river restoration and was willing to enter into a more formal partnership with California to explore alternatives. The Attorney General responded affirmatively and Reclamation and the state entered into a Memorandum of Agreement (MOA) in January 2001.

The MOA obligated the state to provide funding towards the work needed to complete the EIS/EIR and design plans and specifications in connection with efforts to restore the dewatered portion of the North Fork American River. The MOA also obligated Reclamation to include incidental public access to the river in the vicinity of the Auburn Dam construction site for public health and safety, resource protection and emergency purposes, and any other purposes necessary as a foreseeable result to returning water to the dewatered portion of the river under the Proposed Project. Reclamation's agreement with CDPR for management of the Auburn State Recreation Area (Auburn SRA) would be updated to reflect responsibilities associated with river access at the Auburn site and at Oregon Bar.

IV. ALTERNATIVES CONSIDERED

The Proposed Project, as described in the FEIS/FEIR, includes independent but related actions by Reclamation and PCWA, as well as subsequent management activities of CDPR. Reclamation would (1) close the Auburn Dam bypass tunnel and restore the dewatered American River channel so that it can function in a natural manner, (2) build diversion, intake and pumping facilities for PCWA that could operate year round to meet PCWA's seasonal and annual water demands, and (3) would provide minimal public safety and emergency access facilities to allow CDPR to manage the Project site for recreational purposes. PCWA would enter into the proposed Contract with Reclamation to accept future operation and maintenance of the pumping facilities upon their completion, and relieve Reclamation of the obligations of its current Land Purchase Contract upon transfer of pumping facilities to PCWA.

Major features of the Proposed Project include:

- Construction of a new pump station, intake structure and fish screen;
- Installation of water conveyance pipelines;

- Improvement and development of all-weather access roads for project construction and operation;
- Extension of power supply lines;
- Closure of the Auburn Dam construction bypass tunnel;
- Restoration of flow to the American River Channel; and
- Creation of public river access sites/safety features and related improvements at the Auburn Dam site and near Oregon Bar, which also include fire management and mitigation.

These features are described in further detail in the FEIS/EIR.

Upon completion of construction and testing of the pump station, Reclamation will transfer the ownership of the facilities to PCWA, in accordance with the Contract. In accordance with the Contract, PCWA will assume full responsibility for all operation, maintenance, and related activities associated with the pump station and operate such new facilities for the purpose of water supply. Reclamation will retain responsibility for all other operation and maintenance activities associated with the authorized Auburn Dam Project. The proposed contract is included in Appendix B of the FEIS/EIR.

In addition to the Proposed Project Alternative (also referred to as the “Mid-Channel Diversion Alternative”), the FEIS/FEIR evaluated two other alternatives: the “Upstream Diversion Alternative” and the “No-Action/No-Project Alternative.”

The Upstream Diversion Alternative would site the diversion/intake structure upstream of the bypass tunnel inlet. Locating the diversion upstream of the bypass tunnel would not require channel restoration or tunnel closure. The project area would remain closed to the public, except for authorized designated trail use. No additional public access facilities would be developed. The pump station location and associated facilities would be the same as proposed for the Proposed Project.

Under the No-Action/No-Project Alternative, Reclamation would continue annual installation and removal of the seasonal pumps at the existing location and maintain responsibility for the operation and maintenance of the facilities. The seasonal pump station facility includes an inlet pipeline that draws water from a small sump pond approximately 750 feet upstream of the bypass tunnel inlet, four pump canisters (12.5 cfs capacity each), and 2,800 feet of steel pipeline placed above ground connecting the pump station to the Auburn Ravine Tunnel portal.

PCWA would rely upon operation of the seasonal pumps for its MFP water supply; however, within the next few years, PCWA would request that Reclamation install the pumps earlier in the year as PCWA customer demands and overall reliance on the pump

station increase. Because of the risk of flood, however, the pumps could be used only for eight months each year, at most.

The environmentally preferable alternative is the Mid-Channel Diversion alternative as described in the FEIS/EIR. This is the alternative that Reclamation will implement. Of the two action alternatives, the Mid-Channel alternative is the one that restores the dewatered section of the North Fork American River.

V. BASIS OF DECISION AND ISSUES EVALUATED

The Mid-Channel Diversion Alternative has been selected for the following reasons:

The Mid-Channel Alternative best meets all the project purposes.

- Provides facilities to allow PCWA to convey its MFP water entitlements to the Auburn Ravine Tunnel to meet demands within its service area.
- Eliminates the safety hazard associated with the Auburn Dam bypass tunnel.
- Restores the dewatered portion of the North Fork American River at the Auburn Dam bypass tunnel.

The Mid-Channel Alternative also has the following benefits:

- Restores PCWA's ability to divert its MFP water supply year-round.
- Provides a reliable, year-round diversion capacity of up to 100 cfs.
- Alleviates the public safety hazards from the Auburn Dam construction site.
- Opens the American River to water-based recreation from Highway 49 to Folsom Reservoir.
- Provides public safety river access at the Auburn Dam site and at Oregon Bar.
- Alleviates Reclamation's obligations to PCWA under the Land Purchase Agreement.
- Provides the potential to add future diversion capacity of 25 cfs for Georgetown

Divide Public Utility District and an additional 100 cfs for PCWA.

In addition, the Mid-Channel Alternative is the environmentally preferred alternative.

Although the Upstream Channel Alternative meets the project purpose and objectives associated with providing PCWA access to its MFP water entitlements, it does not meet the purposes and objectives associated with tunnel safety and river restoration. This

alternative has some environmental advantages, in that it would not bifurcate the Auburn-to-Cool trail, which currently provides an equestrian and trail linkage between Auburn and Cool, and since there would not be additional public access, it would not have potential impacts associated with the risk of fire, noise, traffic safety, littering, and illegal activities. Despite these advantages, however, the missed opportunity to restore the dry river bed and to address tunnel safety issues makes the Upstream Channel Alternative, on balance, environmentally inferior to the Mid-Channel Alternative.

The No Action/No Project Alternative would not provide the reliable, secure water supply that PCWA needs to meet seasonal and annual water demands within its service area, nor would it meet the tunnel safety and river restoration goals and objectives. Because there would not be additional public access, this alternative would not have the potential impacts associated with the risk of fire, noise, traffic safety, littering, and illegal activities. As with the Upstream Channel Alternative, however, the missed opportunity to restore the dry river bed and to address tunnel safety issues makes the No Action/No Project Alternative, on balance, environmentally inferior to the Mid-Channel Alternative.

Reclamation also gave very serious consideration to comments received on the draft and FEIS/EIR. The more significant issues raised included:

- Bifurcation of the Auburn-to-Cool trail.
- Potential effects of allowing vehicular access to the river including increased traffic, noise, vehicular emissions, and risk of pedestrian safety, fire, illegal activity, and littering. These comments also included suggested alternative access points on the El Dorado County side of the river and at Manhattan Bar.
- Potential effects on anadromous salmonids of more water from the American River being delivered to the Auburn Ravine watershed.

Reclamation believes that all reasonable actions have been incorporated into the Project to address the issues raised, including, but not limited to:

- PCWA modified its operations to avoid discharging additional water from the American River into Auburn Ravine in order to prevent the possibility of causing straying of anadromous salmonids.
- Vehicular access to the site will only be available when a kiosk at the entrance is staffed and there will be limited hours of operation.
- Parking, except for three American with Disabilities Act compliant spaces, will be limited to one 50-vehicle parking lot located at the old concrete batch plant. Once the parking area is full, no additional vehicles will be permitted to enter the area.

- The existing parking area outside the gate at the Maidu Drive entrance to the project area will be improved to further minimize the potential for recreation-related parking along Maidu Drive.
- Off-road vehicle use, alcohol use, open fires, and overnight camping/parking will be prohibited.
- A comprehensive fire management plan is being prepared. As part of this effort, a Fuels Management Action Plan and an Auburn State Recreation Area Pre-fire Management Plans have been completed. Implementation of the Fuels Management Action Plan is expected to be completed prior to opening the area to public use.
- Shaded fuel breaks will be established on public lands that interface private lands directly affected by the Project, along public access roads, and the parking area.
- The construction contractor will be required develop and implement an effective fire protection and prevention program.

Although the cooperation of the CDPR, who is under contract to manage the subject federal lands, will be necessary to fully implement several of these measures, CDPR staff has preliminarily indicated a willingness to cooperate and to implement the measures or actions within its control. Formal action by that agency has not yet occurred, however. As a “responsible agency” for purposes of the CEQA, CDPR could not take formal action until PCWA first certified the Final EIR, which happened just recently. CDPR is expected to take formal action within the near future.

VI. IMPLEMENTING THE DECISION AND ENVIRONMENTAL COMMITMENTS

Project planning, as described in the FEIS/EIR, included all practicable means of avoiding adverse environmental impacts. Where this was not possible, the Project sponsors have committed to the environmental mitigation actions described in the Mitigation Monitoring and Reporting Program/Environmental Commitment Plan which is included in the FEIS/EIR and is part of this Record of Decision, by reference. Mitigation activities will be coordinated with appropriate federal, state, and local agencies including the Fish and Wildlife Service (FWS), the National Marine Fisheries Service, U.S. Army Corps of Engineers, Office of Historic Preservation, CDPR, California Department of Fish and Game (CDFG), Regional Water Quality Control Board, State Water Resources Control Board, California Department of Forestry and Fire Protection, and Fire Safe Councils for the Auburn Dam and Reservoir Project Lands.

Following is a summary of mitigation measures adopted by Reclamation that are identified in the Mitigation Monitoring and Reporting Program/Environmental Commitments Plan:

Design Activities

- Blend project features with surrounding landscape.
- Minimize noise by enclosing the pumps. Construction Activities
- Establish buffer zone to avoid disturbance of and prevent the permanent loss of riparian, wetland and pond vegetation and associated habitat.
- Minimize impacts upon state and federal special-status species in the project area.
- Initiate measures for entrapped, injured, or dead special-status species.
- Remove all construction material, litter and debris from the site.
- Institute water quality protection measures.
- Maintain public recreation trail access.
- Avoid trail closures that affect the Western States Endurance Run, Tevis Cup Western States Trail Ride, and the American River 50-mile Endurance Run.
- Stop construction activity if cultural resources or human remains are uncovered.
- Develop and implement a construction traffic access management plan that, among other things, requires construction personnel and supply deliveries to limit use of Maidu Drive during peak school-related travel times.
- Minimize ozone precursor emissions.
- Minimize PM₁₀ emissions.
- Minimize potential for disturbance of asbestos and exposure of construction personnel or the public.
- Minimize noise.
- Minimize the risk of public exposure to fire hazards.
- Minimize the potential for increased erosion and slope instability.
- Minimize the potential for increased exposure to hazardous materials or fire risk.

Post-construction Activities

- Prevent fish entrainment and impingement at the water supply intake/point of diversion.
- Restore permanent riparian, wetland, and pond vegetation/habitat loss.
- Minimize water quality impacts associated with increased public access.
- Minimize trail user conflicts due to increased public access.
- Minimize littering at public river access points.
- Provide disabled access parking area.
- Develop and implement a programmatic agreement with the State Historic Preservation Officer regarding potential incremental impacts at Shasta Reservoir.
- Provide information regarding new public river access.
- Minimize the risk of public exposure to fire hazards.
- Prevent vehicular access in undesignated areas.

The National Marine Fisheries Service found that the Project is not likely to adversely affect the Sacramento River winter-run chinook salmon, Central Valley spring-run chinook salmon, Central Valley steelhead, and their critical habitat provided that the reasonable and prudent measures as defined in the CVP and SWP Operations (OCAP) Biological Opinion for winter-run chinook salmon and the interim OCAP Biological Opinion for Central Valley spring-run chinook salmon and Central Valley steelhead are adhered to. The National Marine Fisheries Service also stated that the Project would not adversely affect essential fish habitat for Pacific salmon.

FWS has concurred that the Project may affect but will not likely adversely affect federally listed threatened or endangered species within its jurisdiction.

Reclamation received a Fish and Wildlife Coordination Act report from the FWS. As stated in Section VI of this Record of Decision, Reclamation will coordinate with the FWS to implement all appropriate recommendations in the report, as much as possible, for all project implementation activities.

FWS has provided a planning aid memorandum regarding the cumulative impact analysis in accordance with the Fish and Wildlife Coordination Act. FWS recommended and Reclamation agrees to do the following:

- Keep the FWS informed of new information regarding the Project;
- Utilize the American River Operations Work Group to assess the probability, extent, intensity, and mitigation of short-term adverse conditions in the lower American River;
- Improve the definition of impact thresholds in future water supply planning studies;
- Provide further data and analysis to support conclusions regarding the significance of impacts on important water quality and flow parameters in future studies; and
- Provide further rationale to support conclusions on the significance of impacts where the analysis is subjective in future studies.

FWS recommended that Reclamation prepare a programmatic EIS for the American River-related foreseeable actions and develop a programmatic record of decision. Reclamation is not the lead agency for many of the foreseeable American River actions, and thus does not believe it appropriate to complete a NEPA document addressing actions of others. In addition, Reclamation believes the comprehensive cumulative impact analysis, which is the subject of this planning aid letter, provides the information necessary for Reclamation decision makers to understand the impacts of their decisions as they relate to actions in the American River basin.

FWS recommended that Reclamation develop a water resources management plan for the American River basin based on a programmatic EIS and programmatic record of decision. Reclamation believes that basin planning can best be done by local interests, such as the Water Forum and the Lower American River Task Force, which have recently completed a River Corridor Management Plan. Reclamation is a major contributor to the implementation of that plan as it relates to protecting fish and wildlife in and along the lower American River. We do not believe that a more formal commitment would change our contribution to that, and other efforts.

FWS recommended that Reclamation develop a mitigation plan that considers needs for mitigation of historical and present CVP impacts, then considers mitigation needs for new impacts of the American River-related reasonably foreseeable actions. Reclamation and FWS have developed such a plan pursuant to Central Valley Project Improvement Act and both agencies are presently implementing that plan. Regarding impacts of future actions, some are being mitigated prior to the actions taking place (such as the temperature control device on Folsom Dam's municipal and industrial supply intake and participation in implementation of habitat conservation plans) and others as the actions are approved and implemented (such as water districts agreeing to not serve water to new developments until the developer gets any necessary approvals from the FWS).

Lastly, FWS recommended that Reclamation enter into discussions with the FWS to develop an ecosystem-based programmatic ESA consultation on the group of American River-related reasonably foreseeable actions. Reclamation and FWS have had such discussions in the past and Reclamation has elected not to proceed with such a programmatic consultation due primarily to the staggered timing of American River actions, the fact that many actions are not well defined as to terrestrial activities and possible effects, and the fact that many actions in the American River basin are locally driven. Reclamation will continue to consult on its actions as they are developed and may revisit the concept of a programmatic consultation if circumstances are shown to warrant such an approach.

VII. COMMENTS RECEIVED ON THE FEIR/EIS

Comments received on the FEIR/EIS generally relate to the following issues.

Public Vehicular Access to the River and Risk of Fire

Several letters were received regarding public vehicular access to the river and the perceived additional risk of fire associated with the access. There were letters both opposing the access and supporting it. Issues raised were the same as those raised in comments on the DEIS/EIR, and those issues were addressed in the FEIS/EIR.

Adequacy of the FEIS/EIR Related to Mitigation for Bifurcation of the Auburn to Cool Trail

An e-mail from the Action Coalition of Equestrians alleged that the FEIR is significantly flawed by its omission of a legally enforceable monitoring and mitigation plan which addresses the specific crossings of the American River by users of the Auburn-to-Cool trail. The crossing issue was extensively addressed in the FEIS/EIR, and CDPR has initiated a program to address it.

Adequacy of the FEIS/EIR Related to Impacts on Steelhead in Auburn Ravine A letter from the Ophir Area Property Owners Association, Inc. made several allegations that the FEIS/EIR inadequately addressed impacts to steelhead in Auburn Ravine. Issues related to what the commenter alleged was an inadequate baseline, the possibility of non-native steelhead from the American River/Nimbus Fish Hatchery straying into Auburn Ravine, indirect and cumulative impacts related to the project, the alleged lack of adequate mitigation and alternatives, and the extent of the public participation process. These issues were extensively addressed in the FEIS/EIR. In addition, PCWA modified its operations to mitigate for impacts associated with the diversion of additional American River water directly into Auburn Ravine. In concluding that these comments lack merit, Reclamation is relying not only on its consultants who prepared the document, but on the NMFS and CDFG, the agencies that have jurisdiction over steelhead. Those agencies believe that the analysis is complete and adequate, and generally do not agree with the allegations in the letter. The NMFS finding, of no adverse effect on any listed species under their jurisdiction, reinforces Reclamation's conclusion that the FEIS/EIR fully meets the requirements of NEPA.